

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

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MEMORANDUM

TO: Bill Moore, Washington State Department of Ecology
Water Quality Program

FROM: Kirk Christensen PE, Stormwater Manager

RE: Comments on First Preliminary Draft Proposed
Municipal Stormwater NPDES

DATE: August 15, 2005

Based on the review of the First Preliminary Draft Proposed Municipal Stormwater NPDES Phase II Permit, Whatcom County Stormwater has the following General and Specific Comments. Thank you for the opportunity to comment and we appreciate all the work that has gone into the draft requirements.

General Comments

- Provide completed TMDL requirements - Appendix 3 for agencies review. More work needs by DOE on TMDL requirements for this section of the permit to meet draft status. Compliance monitoring of the permit appears to be reasonable, standards monitoring is not. Also, submission TMDL the Quality Assurance Project Plan within 90 days of the permit is too short of timeline.
- The 2005 Stormwater Management Manual is now used for guidance and adopting the entire manual would be a huge step and may not be practical. When permittee is directed to the Stormwater manual it must be to only relevant sections.

- Provide more detail on the opportunity for and allocation of grant funding. How will grant funding be applied in the small Census Urban Areas?
- Please provide recommendations and requirements on how counties follow permit implementation in the urbanized area and UGA area when the area crosses watershed boundaries?
- Generally the timelines will be very difficult to achieve.
- DOE should assume primary responsibility to inform the Co-permittees of their responsibility under this permit.

Specific Comments

Location in Document	Comment
Page 3, lines 35 – 40); Page 4, lines 1 - 10	This text suggests that permittees that have already submitted an application do not have to submit a new application. At the June 18 th meeting held by Ecology, Ecology staff indicated that this is not the case and that permittees will need to resubmit in order to be in compliance with the new permit requirements. The text should be modified to make this clear.
Pages 6 and 7 (TMDL)	<p>The relationship between the TMDL requirements and the Stormwater permit need clarification. In addition, Appendix 3 is needed to more fully understand TMDL requirements related to the stormwater permit. The comments below are based on the language in the current draft and may be modified depending on what is in Appendix 3 when it is added.</p> <ul style="list-style-type: none"> • Is it correct to assume that the “approved TMDLs” referenced in the sentence on page 6, lines 21 –24, refers to Detailed Implementation Plans that have been approved by EPA?; • If an approved TMDL encompasses an area larger than the geographic area defined through the stormwater permit, what is the geographic area for which the permittee is required to be in compliance with the stormwater permit (at least for purposes of stormwater permit compliance). Is it the larger area or the area defined by the stormwater permit? • There appears to be a fair amount of latitude regarding how Ecology may integrate future approved TMDLs with

	<p>the stormwater permit (e.g. through future permit modifications, administrative orders, or permit reissuance) – is this correct and can Ecology provide any additional information on what will determine how they will determine their approach? The specific geographic area where this may be of immediate interest is in the Lake Whatcom watershed. It appears likely that the TMDL may not be approved until after the stormwater permit is issued and the extent to which TMDL requirements may be integrated into the stormwater permit is not clear.</p>
Page 9, S6 Monitoring	<p>The County supports the concept of monitoring to assess the effect of implementing the stormwater program and ensuring that actions taken result in water quality benefits. However, given the challenges associated with developing and implementing monitoring programs that provide credible information, Ecology should reconsider how such monitoring would occur within the context of the stormwater permit. Questions/challenges to consider include:</p> <ul style="list-style-type: none"> • Clearly defining the specific questions and purpose of the monitoring (e.g. status and trend, effectiveness of bmps); • Ensuring that monitoring programs are designed to provide credible and consistent information. Some of the problems associated with monitoring programs were described by a presenter at the June 18 meeting and the website referenced in the presentation may provide helpful information. If Ecology includes a monitoring component in the permit it would be useful to include/develop specific guidance on program design; • Resources needed to actually implement the programs (it is likely that the resources needed to provide credible information exceed the capacity of many permittees); and • Possible actions or consequences resulting from an evaluation of the data collected (e.g. does Ecology have particular expectations regarding actions that should be taken depending on the data obtained?).
General Comment	<p>To what extent is phasing allowed in implementing stormwater requirements (e.g. beginning in high priority areas)? For example, in the public education and outreach section of the permit, language on page 13 lines 25 – 27, indicates that 100% of audiences must be reached by the expiration date of the permit – this would appear to preclude phasing. Is that true?</p>

